

COMMISSION ON
PEACE OFFICER STANDARDS AND TRAINING



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GOVERNOR

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Date: February 1, 2011

To: All Chiefs, Sheriffs, and EDI Operators

IMMEDIATE ACTION REQUIRED

Subject: **CPRA REQUEST: RELEASE OF PEACE OFFICER INFORMATION**

POST has just received a California Public Records Act (CPRA) request from the Los Angeles Times, asking for an update to the data released on February 15, 2008, and for a list of every active peace officer in the State of California, as of December 31, 2010.

Background:

On August 27, 2007, the California State Supreme Court ruled that some information in the Peace Officer Database, maintained by POST, is public information subject to release pursuant to a CPRA request. For the full text of the court decision, go to:

<http://caselaw.lp.findlaw.com/data2/californiastatecases/s134072.pdf>

Following 5 years of litigation, the California State Supreme Court ordered POST to release specified peace officer information contained in the peace officer data base for officers hired or separating service from California law enforcement agencies from January 1, 1995 to December 31, 2007. The court decided that the peace officer information required to be released by POST is: the full names of all officers, their employing departments, appointment dates, type and status of appointments and dates officers were hired or left their department(s). The required information was released to the Los Angeles Times on February 15, 2008.

In its decision, the California Supreme Court acknowledged that some peace officers could be at risk if their names were made public. The court remanded the case back to the Sacramento Superior Court to allow POST to "...demonstrate in the superior court that information concerning particular officers should be exempted from disclosure under Government Code sections 6254, subdivision (c) or 6255 and the applicable legal principles set forth in this opinion."

To protect the identity of peace officers assigned to sensitive or hazardous assignments, departments were offered the opportunity to redact the names of what the court recognized as "particular officers." These redactions were made through the encrypted Electronic Data Interchange (EDI) system. The Supreme Court Decision was binding on POST; not the agencies employing the officers in the POST database. Since POST does not have assignment information that might be needed to defend a challenge to specific redactions, agencies were informed that in the event some redactions were challenged, the agency would have to initiate legal action to block POST from disclosure of the information requested. Possibly due to the relatively small number of redacted names and the court's acknowledgement of the sensitive and/or hazardous nature of some assignments, no redactions were challenged in the 2008 release.



Present Request:

To comply with the latest LA Times request, POST is once again preparing to provide all departments the information requested for release through the EDI system. As in 2008, the designated EDI operator(s) at each department will be provided with a list of officers fitting the criteria of the latest request. This time, the request is for two separate, though somewhat overlapping, sets of data: 1) a list of all peace officers from all California law enforcement agencies, hired or terminated between January 1, 2008 and December 31, 2010, and; 2) a list ("snapshot") of all active service peace officers in the state, on December 31, 2010. POST will provide a single report that combines the data to be released to EDI operators. Upon receipt of the electronic roster from POST, the agency EDI operator should present this data to the department administration (Chief, Sheriff or designate) for a determination of which, if any, officer's names should be exempt from disclosure.

It is recommended that each department designate only one EDI operator to process the department's response back to POST. Once you (the Chief or Sheriff) have decided which, if any, names are to be protected from release, the designated EDI operator will use the Public Records Act function in EDI to check the names to withhold and click "Save." If no names are to be redacted, the EDI operator will click the "Do Not Withhold" button to verify they have received this notice. POST will then generate the two files, minus the redacted names, and provide the information as requested.

Unlike the 2008 release of peace officer information, there is no court ordered deadline for releasing this updated information. However, the CPRA does speak to reasonable time frames for release. POST has informed Los Angeles Times of the intent to release the data requested. To allow departments' sufficient time to respond, it is requested that EDI staff transmit the requested information to POST by 5 P.M., Tuesday, February 15, 2011.

In keeping with POST efforts to "Go Green" and avoid costly mail outs, all chiefs and sheriffs are receiving this notification through their personal e-mail accounts. It will also be posted on the POST home page and all EDI operators will be able to link directly to the letter from their EDI screen. Departments not responding to this request will be contacted by POST EDI staff on Friday, February 11, to confirm there are no forthcoming redactions. Late redactions must be submitted to POST by the February 15 deadline. Following two to three days of programming and cross checking agency responses, the requested material is scheduled for release to the LA Times no later than Tuesday, February 22, 2011.

My staff and I thank you for your assistance and cooperation in responding to this request.

Questions regarding EDI access may be directed to the POST EDI Coordinator, at (916) 227-4807 or (916) 227-4858. Questions specifically related to the CPRA request or the California Supreme Court decision should be directed to Legislative Liaison Karen Lozito, at (916) 227-2085 or Karen.Loizito@post.ca.gov; or to Assistant Executive Director Dick Reed, at (916) 227-2809 or Dick.Reed@post.ca.gov.

Sincerely,

PAUL A. CAPPITELLI
Executive Director